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INDIA REFORM.

THE

GOVERNMENT OF INDIA SINCE 1834.

“ Our Indian Government, in its best state, will be a grievance. It is necessary that the correctives should be uncommonly vigorous : the work of men sanguine, warm, and even impassioned. For it is an arduous thing to plead against the abuses of a power which originates from your own country, and which affects those we are used to consider as strangers.”—*Burke, in 1783.*

“ An intelligent people would not submit to our rule.”

Lord Ellenborough, in 1852.

IN closing the Parliamentary Session of 1833, King William IV., as usual, reviewed the measures which had been enacted. Amongst them was the Act for providing for the better government of India ; and of it his Majesty remarked, “ I have the most confident expectation that the system of Government thus established will prove to have been wisely framed for the improvement and happiness of the Natives of India.” That Statute is now approaching its termination ; and the Prime Minister has announced the intention of the Queen’s Cabinet to propose to Parliament the renewal of the Indian Government on the same basis as that which was established in 1833, with some modifications in its details only. The question then arises, was this system of Government as “ wisely framed ” in 1833, as the King “ most confidently expected ? ” And has it promoted “ the improvement and happiness of the Natives of India ? ” If it have not, the ground for its renewal on the same basis, will be cut from beneath the feet of the responsible advisers of Queen Victoria. For, to renew what has produced unworthy or mischievous results, or has confirmed and aggravated previous evils and disorders in India, is to endanger the integrity of the Empire which it is their duty to strengthen and protect.

The enquiry in hand, and the issue now raised by the effluxion of the Charter Act cannot be better stated than in the language used by the late King. It denotes, in the simplest terms, the purpose of the Statute—“ the improvement and happiness of the natives

of India ;” and by doing so, it enables the country and the legislature to apply to its success or failure, tests of the most infallible description. For there is nothing in this world so patent and certain, and easily ascertainable as good government. Its characteristics are the same everywhere ; it is so plain and palpable in its results, that it can be appreciated by all, regardless of creed or colour. The first step in the enquiry is, therefore, to apply some of the tests of good government to the Government of India, as it has been administered under the system established in 1833.

I. PEACE.

Perhaps the most important of these tests is PEACE. For, without the opportunities and the means afforded by Peace, no system of government can result in the improvement and happiness of a people. Unjust war, all men agree, is the greatest of human crimes ; unwise war the hugest of human blunders. A war, however, is neither necessary nor defensible, because passages from Grotius, Puffendorf, or Vattel can be quoted in its excuse. For the soundest maxims may be rashly and mischievously applied ; and in its operation, government is matter of discretion, of prudence, of wisdom, and foresight. The consequence of one imprudent war may indeed lead to others more excusable. But when peace is the exception, and war the rule of a government ;—when north, south, east and west, it is successively engaged in hostilities—when it never wants quarrels to fight in, enemies to conquer, and territories to annex, men cannot, and will not, believe that such a government is wise, is prudent, is just, is paternal, is unambitious, is economical ; or that it is engaged in promoting the improvement and happiness of its people.

Now since 1834, the Government of India, as established in the preceding year, has, out of the nineteen years that have passed, been for fifteen of them in a state of war. It has been at war with the Affghans, with the Beloochees in Scinde, with the Mahrattas in Gwalior, with the Sikhs in the Punjaub ; it is now at war with the Burmese. And the peculiarity of four out of five of these wars is, that they were not, like many of those which had preceded them in India, internal wars—wars, the excuse and defence of which are that they were needful to subdue enemies who could not be avoided,

and whose countries laid intermingled with our own territories ; but external wars—carried on beyond our natural limits and defensible boundaries ; adding new and more warlike races to our previously peaceable millions ; thereby making our Eastern Empire less homogeneous ; advancing our frontiers to unknown difficulties and embarrassments ; and subjecting the safety and security of India to the whims, caprices and predatory habits of less civilized neighbours, over whom it is almost impossible to establish any restraining influences, and to whom religious bigotry and love of independence render our rule hateful. Thus, during the last Charter Act, war has not only been the chronic characteristic of the Indian Government ; but war of a kind and a danger such as never was before known in India.

These wars were not necessary for the safety,—they have retarded the improvement, and diminished the happiness of the Natives of India, whilst they have exhausted the resources of the Government ; but they were the natural result of the system established in 1833 ; for it wanted the responsibility and the “correctives” which alone keep human rulers at peace. There is now no second opinion concerning the criminality and wickedness of the Affghan war. It was an unprovoked attack on the independence of well-disposed neighbours, and a revolutionary effort to change their ruling dynasty for the supposed benefit of India. But its reverses and disgrace ; its cost of eighteen millions sterling, and its loss of an army 12,000 strong, were all thrown away on a Government without responsibility. The Scinde war quickly followed the Affghan war. A desert impassable for an army, and behind which were all our resources, separated and defended British India from Scinde. But the Indian Government resolved to obtain “command over the navigation of the Indus,” and under the delusion that it would lead to a great and profitable commerce with Central Asia, it coerced the Ameers into treaties they could not fulfil, and conditions that were intolerable because disgraceful to them. It deposed them, seized their country and their treasures, became itself the victim of a miserable fraud, and in annexing Scinde gained a large annual pecuniary loss ; which is a charge on the industry of the Natives of India. It did more, however, than acquire a worthless state ; it committed a great political error. By annexing

Scinde, the Indian Government brought itself into contact with hostile tribes, residing in mountain fastnesses, and laid itself open to constant attack in its front. Worse still, it alarmed the Government of the Punjaub in the very crisis and agonies of its history.

The death of the remarkable Prince, who had so long ruled that country with wisdom, energy, and foresight, was followed by civil war. And at this juncture the Indian Government thrust itself in the way of the contending factions; and by its aggressions on their neighbours, by its collection of troops on their frontiers, and by its occupation of neutral territory, alarmed them for their own safety. The Army in a state of revolt was led to the Sutlej to be slaughtered by the English, and it was not till four severe general actions had been fought on the south bank of the Sutlej in seven weeks, that our army could venture across that river. These battles cost us considerably dearer in the ratio of casualties than the victory of Waterloo. Instead, however, of retiring into its own territories, the Indian Government undertook the administration of a country it had not conquered. Its mismanagement brought on another sanguinary war; the discomfited army again rallied around its leaders, and gave employment to a British force of not less than thirty-five thousand men, during the greater part of a year. At length the military insurrection was put down; the infant Prince punished for our misdeeds by dethronement and banishment; and the Punjaub placed under the sole management of European officers. But has this conquest made India more secure? Not at all. It has only increased the danger. On the Western frontier it is a continuation of that of Scinde; it lies between us and the unforgiving Affghans; and our army in advance (placed in the territory of subordinate but discontented Affghan chiefs) is in a constant state of petty warfare.

What yearly amount of pecuniary burthen our recent territorial acquisitions may have brought on the Indian finances, it is very difficult to discover, so ill made out are the Finance Accounts laid annually before Parliament; but in each case the burthen is undoubtedly great. The revenues of the Punjaub are *assumed*, by the Court of Directors, to be £1,300,000; and the average of its civil charges has already reached £1,120,000; leaving an apparent

surplus of £180,000 per annum. But this is apparent only. For, despondingly wrote the Court of Directors to the Governor-General in Council, on the 3rd of June, 1852, the £180,000 "include none of the charges of the regular troops, nor the expenses of barrack accommodation." Now the average of military charges throughout India exceeds 56 per cent of the net revenue; and in the Punjaub, a newly conquered country, where there is an army, probably 50,000 strong, the military charges can hardly be less than one million sterling; a sum that will make the Punjaub a charge and a burden of about £800,000 a year on the general revenues of India.

Equally difficult is it to make out the actual cost of Scinde; its "probable" expense the Directors admit to be £480,000

Deduct Revenue	£280,000
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Probable charge or loss in Scinde	£200,000
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So, too, Sattara, which to its own Prince yielded a large surplus; it was annexed in the hope of gain to the general revenue; its annexation has proved a loss.

Its expenses in 1850-1 were	£240,623
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Its receipts	£205,240
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Actual loss by Sattara	£35,383
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"We certainly were not prepared," says the Court to Lord Dalhousie, in reviewing these figures, "to find that the annexation of Sattara would entail a charge upon the general resources of India." Those who knew the system better, were, however, less credulous than the Court of Directors; they were prepared for what has happened.

But scarcely at peace beyond its natural limits on the North-west, the Indian Government has rushed into war beyond its natural limits on the East. A mountainous country separates Bengal from Burmah, across which troops cannot be marched. The Burmese have nothing to do with India. They are not formidable or dangerous. There is no hostile Persia beyond Burmah. There is no Russia to urge a warlike people on to attack India from this side. To go to war with Burmah, the Indian Government is obliged to take to the sea. Yet not only is it engaged in a war with Burmah, costing £120,000 a month and probably far more; but, by annexing Pegu, it indicates its

intention, either of never being at peace, or of going on advancing its frontiers to the borders of Siam. At the close of the war of 1815, England might as rationally have annexed Normandy, as India now annex Pegu. For, as in Europe, England possesses limits which nature itself—which ethnology, geography, history, have all united to assign to it; so also in India. There, too, we have boundaries unmistakably fixed by nature. But, as in the West, so in the East, these are now abandoned; and besides the cost of past wars, and of the present war, the Natives of India will have to bear the burthens of future wars; as inevitable as Kaffir hostilities, unless a thorough change in our system be now adopted.

Applying, then, the test of Peace to the last twenty years, what opportunity, what means, what chances, can a Government, occupied more or less with war for fifteen of those years, have had of working out the improvement and the happiness of the Natives? No man can serve two masters. No Government—above all, no Foreign Government,—can recompense a people for the misery, the cost, and the burthen of war. War requires all the energy, all the mind, all the money, a Government can avail itself of. What war during the greater part of the currency of the present Charter Act has had the benefit of in India, the Natives have been deprived of. They have not had the energy, the mind, or the money of the Government applied to their improvement or happiness.

II. FINANCES.

And the effect of this deprivation is to be seen in the state of the Finances of India; PECUNIARY PROSPERITY being the second great test of good government everywhere.

In England a deficit in the Treasury is the most heinous of all Government offences. No Administration can survive for three years a want of equilibrium in our receipts and expenditure, no matter how caused. We regard, too, other countries in Europe as comparatively strong or weak according to their financial position; and we are continually inferring danger to the stability of order in Austria from the disorders of its Treasury. Turn to India, and what, during the

last fourteen years, do we find? Deficit—deficit—deficit. Here it is in detail.

	DEFICIT.	SURPLUS.
1838-9	£381,000	
1839-40	2,138,000	
1840-1	1,754,000	
1841-2	1,771,000	
1842-3	1,346,000	
1843-4	1,440,000	
1844-5	583,000	
1845-6	1,495,376	
1846-7	971,202	
1847-8	1,911,791	
1848-9	1,473,115	
1849-50		£354,187*
1850-1	631,173	

In the greater part, therefore, of the twenty years of the present Charter Act, the deficit of the India Government has been as chronic as the state of war. In 13 years, it will be seen that it has amounted, in the face of an increasing revenue, to the amazing sum of £15,541,470; all provided for, of course, by loans and debt; agencies adverse to, not promotive of, the improvement and happiness of the people.

When the present system of Government was framed in 1833, the military charges of India were about eight millions sterling, or 49 per cent of its net revenue. Twenty years of anticipated "improvement and happiness" have now almost elapsed, and the military charges now exceed twelve millions sterling, and eat up 56 per cent of the net revenue. In other words, the gular cash balances that were in the Treasury in the early part of the year 1838, and the increase of revenue that has concurrently been going on, have not only been absorbed by military charges; but it is those charges which have produced this continuous state of deficit, and which have augmented the Indian debt from £30,000,000, as it stood when the Act passed, to £50,000,000, as it will stand when the Statute, that was to do so much good to India, will expire. Out of twenty years, fifteen years of war; in thirteen years a deficit of $15\frac{1}{2}$ millions sterling; twenty millions sterling added to the debt. These are the first results of the legislation of 1833, which arrest our path in clearing the way for legislation in 1853.

* The surplus this year arises out of the accidental increase of the precarious revenue from the Opium monopoly.

III. MATERIAL IMPROVEMENTS.

Of course, a system of government which in the last twenty years has gone on increasing its military expenditure from eight to twelve millions sterling, and thus adding to its debt, has had little to spend on what are, in such a country as India, the next evidence of good government—PUBLIC WORKS. Lord Auckland, the first Governor-General after the enactment of 1833, commenced his administration by recognising the construction of roads, bridges, harbours, tanks, and irrigation works, as a primary duty of the Indian Government. But, having recognized the duty, his Lordship immediately proceeded to disable himself from discharging it, by beginning that career of warfare which is still going on. So, that out of a net revenue exceeding 21 millions sterling, the rate of government expenditure on public works has, according to Mr. Campbell,* been $2\frac{1}{4}$ per cent, or less than £500,000 a year, spread over a country as large as Europe; for British India contains an area of 1,294,602 square miles. And of this half million, by far the greater part is spent on the favoured and no doubt very important North-Western Provinces. They yield a net-revenue of four and a half millions sterling, and of it have seven and a half per cent spent on improvements. Whilst on Madras, with a net revenue of nearly four millions, only one half per cent is so laid out; though in Madras the land assessment falls far heavier on the cultivators than in any other part of India, though the soil pants for moisture, and though whole rivers of fertilising waters run to waste for want of irrigation works. Bengal contributes more than eight millions sterling net, and receives one per cent back in the construction of roads, &c., and Bombay the same per centage on its net revenue of £2,300,000. Here stands the account for 1849-50; the year in which there was a small surplus.

	POPULATION.	SQ. MILES.	NET REVENUE.	PUBLIC WORKS.
BENGAL	41,000,000	225,000	£ 8,500,000	£ 92,200
N. W. PROV.	23,000,000	85,000	4,500,000	348,000
MADRAS	22,000,000	140,000	3,779,000	14,919
BOMBAY.	10,405,000	120,000	2,337,000	24,743

And of these sums so debited against public works, some portion is, it must be borne in mind, spent on barracks and purely military

* *Modern India*. Mr. Campbell is a writer favourable to the existing Indian administration, but in the statistical papers just put into circulation by the Court of Directors, the total average expenditure on public works, during fourteen years, amounts to the sum of £271,604.

undertakings. The figures, too, include the cost of superintendence ; which has sometimes wasted 70 per cent. of the outlay.

IV. CONDITION OF THE PEOPLE.

But, in spite of war, deficit, and want of roads, bridges, harbours, and public works,—in spite of this, the **CONDITION OF THE PEOPLE** may have improved during the last twenty years ? Try the Act of 1833, then, by this test. There can be none better or surer. In India, however, it is necessary to recollect, the British Government is more than the Ruler and Governor of the people ; it is their Landlord also. Thus it is doubly bound to them. It has its duties as Proprietor, as well as its obligations as Administrator to perform ; it has Tenants, as well as Subjects to look after, to care for, and to protect ; it acts directly, as well as indirectly on the cultivation and on the cultivators of the soil ; and it is immediately, as well as mediately responsible for its state and their condition. Remembering this, first let us go to our oldest provinces, where there is what is called a permanent land settlement ; permanent, however, only to the middle man ; fluctuating beyond even Irish fluctuation, to the cultivator. “ In the fertile districts of Lower Bengal,” says a thoroughly well-informed writer in the *Calcutta Review*, No. XII.

“ So bountifully intersected by noble rivers fed by tributary streams and rivulets, which spread perennial verdure and luxuriance over fields and plains, and constituting links of communication, stimulate and promote the alacrity and bustle of traffic,—there is to be found a community leading a life such as to call forth sympathy and commiseration. The community we allude to, is that of the Bengal Ryot. The name is familiar here as one expressive of an ignorant, degraded, and oppressed race.”

“ To whatever part of Bengal we may go, the Ryot will be found, ‘ to live all his days on rice, and to go covered with a slight cotton cloth.’ The profits which he makes are consumed in some way or other. The demands upon him are almost endless, and he must meet them one by one. This prevents the creation of capital, and prolongs the longevity of the Mahajani [or usurious money-lending] system. The districts of Bengal are noted for fertility and exuberance of crops ; and if the Ryots could enjoy freedom and security, the country would exhibit a cheering spectacle. But their present condition is miserable, and appears to rouse no fellow feeling, no sympathy, in those by whom they are surrounded. The monthly expense of a Ryot is $1\frac{1}{2}$ to 3 rupees ;* and if he has a family, it must be proportionately higher. We do not believe that there are in all

* A rupee may be reckoned as 2 shillings of English money.

the districts five in every hundred, whose *whole* annual profits exceed one hundred rupees !

“ In many instances the earnings of a Ryot are not sufficient for his family ; and his wife and sons are obliged to betake themselves to some pursuit, and assist him with all they can get. He lives generally upon coarse rice and dholl ; vegetables and fish would be luxuries. His dress consists of a bit of rag and a slender chudder ; his bed is composed of a coarse mat and a pillow ; his habitation, a thatched roof and his property, a plough, two bullocks, one or two lotahs and some *bijghan*. He toils ‘ from morn to noon, from noon to dewy eve ;’ and despite this he is a haggard, poverty-smitten, wretched creature. This is no exaggeration ; even in ordinary seasons, and under ordinary circumstances, the Ryots may often be seen fasting for days and nights for want of food.’

“ The inability of the Ryot to better his degraded condition, in which he has been placed by the causes we have named, is increased by his mental debasement. Unprotected, harassed and oppressed, he has been precluded from the genial rays of intellectuality. His mind is veiled in a thick gloom of ignorance.”

And the consequence of this condition of the Bengal Ryot, is, to quote the language of the Court of Directors, (3 June, 1852), “ there has been a diminution in the total receipts from land in the old provinces of Bengal since 1843 44.”

Such are the results of the Zemindary system. Turn next to Madras, where the Ryotwary prevails. There, the India Government does not place the cultivators at the mercy of great speculators in land and farmers of taxes, with power to rack, torment, and sell them off ; and render them the slaves of money-lenders. There, it acts the part of landlord directly ; annually fixing the rent of the minute portions into which the soil is subdivided ; annually collecting these petty sums from its yearly patch-work settlements. And what are the results there ? “ The Madras men with whom I have talked,” writes Mr. Campbell,* candidly admit that at the present time the state of things is most unsatisfactory—that the people are wretchedly poor, the land of little value ; that the difficulty is to get people to cultivate it on any terms, and that the cultivation is kept up by forcing, by government advances, &c. &c.” And what are these, “ &c. &c.” too common place to name ? Cruelties at which humanity shudders ; and of which the Madras Petition lately presented to Parliament gives the following example as occurring in the year 1850.

“ That at the dittum [the fixation of rent] settlement of the previous year, on their [the Ryots] refusal to accept the dittum offered

* *Modern India.*

to them by the Tehsildars of six different talooks, because it included lands that had been relinquished, and others which were not liable to assessment; and because the lands bearing assessment were then re-measured with new ropes, shorter by one cubit than the legal measure; some of them were compelled, *by imprisonment and corporal punishment of various kinds*, to put their names to the dittums; and when others ran away from their talooks to avoid the like treatment, the curnums of the villages forged the names of those who had absconded to the dittums that were assigned to them; they who remained complained to the collector, who said the dittums should not be altered, and refused redress; and when the jumma-bundy came round, on their refusal to pay the excess of the assessment, the houses of the Ryots were stripped of their roofs; their ploughs, ploughing cattle, grain seed, and forage for their grazing cattle, were seized by attachment and sold by auction; some Ryots were arrested as security for the balance still unpaid from the proceeds of the auction; the houses of others were broken into and plundered by the peons, who were paid batta from the proceeds of the sales; their herd cattle were not permitted to graze; and their families prohibited taking water from the tanks and wells for domestic purposes."

Nor is even this all: "The abuses of the whole system," (again we quote from Mr. Campbell,) "and especially that of remissions, is something frightful; the opportunities of extortion, speculation, chicanery, and intrigue of all kinds are unbounded; while the reliance of the Madras collector on informers by no means mends the matter." So bad indeed is the system, he adds, that "if the collector were one of the Prophets, and remained in the same district to the age of Methuselah, he would not be fit for the duty." This is the state of things actually affecting—this the system under which now exist seventeen out of the twenty-two millions of people in the Madras Presidency; contributing nearly four millions sterling to the Government, which thus treats it and them.

In Bombay, where a sort of composite system prevails, things are not much better. "The receipts* have fallen off, and the country generally speaking is not prosperous." The cost of collection is enormous; not less than 55 per cent.; the surveys are partial and incorrect; settlement there is little or none; while whole classes are exempted, others are squeezed and oppressed to make up, if possible, yearly falling off receipts.

Mr. Saville Marriott passed nearly half a century in the Civil Service of Bombay, terminating his career in its highest office, that of

* *Modern India.*

the Council of the Presidency, and, in 1846,* he thus summed up the fruits of his minute observation and wide experience, in almost every province of Western India :

“In elucidation of the position that this country (India) is verging to the lowest ebb of pauperism, I would adduce a fact pregnant with considerations of the most serious importance ; namely, that of late years a large portion of the public revenue has been paid by encroachment upon the capital of the country, small though that capital is in itself. I allude to the property of the peasantry, which consists of personal ornaments of the precious metals, and jewels, convertible, as occasions require, to profitable purposes and accommodation in agricultural pursuits, most frequently in the shape of pawn till the object has been obtained. I feel certain that an examination would establish that a considerable share of this and other property, even to cattle and household utensils, has been for ever alienated from its proprietors to make good the public revenue. In addition to this lamentable evidence of poverty, is another of equal force, to be seen in all parts of the country, in the numerous individuals of the above class of the community wandering about in search of the employment of hirelings, which they are glad to obtain even for the most scanty pittance. In short, almost everything forces to the conviction that we have before us a narrowing progress to utter pauperism.”

Where Rent and Taxation are thus destroying Capital—defined by Political Economy to be the fund for the employment of Labour—well indeed might Mr. Marriott add, when examined before a Parliamentary Committee in 1848, that the condition of the cultivators was “very much depressed, greatly depressed, and I believe declining.”

The Bombay Government receives a revenue of £500,000 a-year from its Collectorate of Guzerat ; and after an absence of fourteen years, Mr. Giberne returned to it, as Judge, in 1840. Everywhere, he told the Commons' Committee on Cotton Cultivation in 1848, he remarked deterioration, and amongst all classes :

“I did not see so many of the more wealthy classes of the natives. The aristocracy, when we first had the country, used to have their gay carts, horses, and attendants, and a great deal of finery about them ; and there seemed to be an absence of all that. * * * * The Ryots all complained that they had had money once, but they had none now.”

And in a private letter dated 1849, “written by a gentleman high in the Company's Service,” and quoted in a pamphlet† published in 1851, the decay of Guzerat is thus described :

* “*India: The Duty and Interest of England to inquire into its State,*” p. 12.

† “*Letters on the Cotton and Roads of Western India,*” p. 15.

“Many of the best families in the province, who were rich and well to do when we came into Guzerat, in 1807, have now scarcely clothes to their backs Our demands in money on the Talookdars are more than three times what they originally paid, without one single advantage gained on their parts. Parties from whom they have been compelled to borrow at ruinous rates of interest enforce their demands by attachment of their lands and villages ; thus they sink deeper and deeper in debt, without the chance of extricating themselves. What then must become of their rising families ?”

In the North-West, however, things are not so bad. But why ? Because, there alone the revenue administration has to some extent followed native footsteps, recognized native rights, and is carried on through the ancient native village system, swept away in Bengal and Madras. But even there, where the assessment does leave to all a profit, so defectively has it been carried out, that some have a very small, if others have a larger one. And already the revenue even there is declining. “If,” wrote the Court of Directors, on the 3rd of June, 1852, “the amount received from the new territory be deducted from the last two years, there will appear a deterioration in the land revenue from the old territory of the North-Western Provinces, as compared with the first average, of £80,000, and in 1849-50, there was no improvement as compared with that average.” All, therefore, is not so bright as it seems even in the North-West ; superior as it is to the rest of India.

But it is on India as a whole that attention must be fixed ; and how sad the condition of the cultivator is in Bengal, with a population of 40 millions, how far worse it is in Madras with its 22 millions, and how bad it is in Bombay with its 10 millions, the evidence thus briefly produced (to be followed hereafter by detailed examination) will give some general idea of. It is not merely cultivation that is depressed ; it is society itself that is being gradually destroyed. The race of native gentry has already almost every where disappeared ; and a new danger has arisen—that in another generation or two, the cultivators* will not be worth having as subjects.

* It will seem from the following extract of a reply made by Governor Higginson, who knows India well, to an address from the inhabitants of Falcq in the Mauritius, that in his opinion, the condition of the natives of India will be “immeasurably” improved by their settling in that island, and their working as negroes in sugar plantations.

“It is very gratifying to me to learn that the measures which have been adopted to secure a more adequate supply of labour here, met with your approval. In

For moral debasement is the inevitable consequence of physical depression. This prospect may be deemed "satisfactory" by the persons responsible for it. But to India it is ruin and destruction; to England it is danger and disgrace.

V. LAW AND JUSTICE.

The state of the LAW, the forms of legal procedure, and the ADMINISTRATION of JUSTICE—these form another test by which to try the legislation of 1833. And these, in the case of that Act, are a special and peculiar test. For Law Reform was not only declared to be one of its most prominent objects; but it contained large and costly provisions to advance that priceless object. "I believe," said Mr. Macaulay, the ministerial orator in passing the Act of 1833 through the House of Commons; "I believe that no country ever stood so much in need of a Code of Laws as India; and I believe that there never was a country in which the want might be so readily supplied." And what Mr. Macaulay so strongly believed to be so needful, and so confidently held to be so easy of execution, he afterwards tried to furnish. For, as member of the Law Commission established under the Act of 1833, he prepared a Code of Criminal Law. That Commission was appointed in 1835, the year after the passing of the Charter Act. The statute is now on the point of expiration. Twenty years have nearly elapsed. But India still awaits the fruits of its labours. The Code prepared by the Commission was first submitted to the Supreme Government in May 1837; it was sent back for revision; it was returned in the October following. It was then sent home to the Court of Directors and the Board of Control; it was next returned to India with Home observations and criticism. Calcutta considered it once more, and sent it back to London; and finally, after eleven years' deliberation, it reached India in 1848. And it has been lying snug and dusty on the shelves of the Council ever since. The Act

the absence of a native population to cultivate our soil, our attention should be directed not only to obtaining a sufficiency of labour for our more immediate wants; but also to the more valuable and permanent benefits to be gained by inducing the natives of India who now come here and carry their earnings back after a few years to settle in the Colony; and from my own experience of both Countries I can affirm that by adopting this as their future home, they will by their own industry, improve their social and physical condition immeasurably beyond what they can ever hope to attain in their own country."

of 1833 has not therefore produced that Code of Laws, "the want of which might be so readily supplied;" instead, it has imposed on India an enormous cost under this head, hitherto without result.

Mr. J. B. Norton of the Madras Bar, in his recently published Pamphlet, *The Administration of Justice in Southern India*, states the Salary alone of the Law Commissioners to have already reached the enormous total of £170,000; but without any advantage whatever to the Natives of India.

"Possibly a considerable amount of useful information has been collected; and certainly sundry very heavy blue books have been brought forth—a proposed Criminal Code proved an abortion, and was strangled at its birth. What few Acts have been produced, are drafted in the loosest and most unlawyerlike fashion, so that almost upon every occasion when they have become the subject of discussion in the Supreme Court, a "coach and horses" have been easily driven through any given section: but, up to the present time no Code, worthy of the name, has been prepared for all India; although it might have been imagined, that to any man wishing to illustrate his name, and hand it down immortal to Posterity, such an object would have been sufficient incentive to his ambition, even if he were not lured by the additional bait of £10,000 per annum, paid monthly, and with the strictest regard to punctuality. But the truth is, the office, from which so much has been expected, has been a mere job. From Mr. Macaulay down to Mr. Bethune, we have never had a lawyer of any practice appointed. Theoretical men, having influence with the Ministry of the day, have been from time to time nominated. They have come out here at a comparatively advanced age, with the world before them where to choose, totally ignorant of the character and habits of the Natives, of their existing Laws and innumerable customs, and consequently unable to form any correct estimate of the wants and exigencies of the country.

"During the few months which Mr. Jackson, the Advocate General of Calcutta, filled the office, he succeeded in pushing through a small but important body of Laws; and we have now unquestionably a ripe and able lawyer of large practice at the helm—but although there can be little doubt that Mr. Peacock's drafts will be workman-like, it remains to be seen whether he will not be overwhelmed with the enormous amount of knowledge which he must necessarily acquire, before he can safely proceed to legislate for a country to which he is a stranger; and whether the habits of the Special Pleader will yield to the more enlarged requirements of the Legislator: but the appointment of a practical lawyer is an instalment of what is due to us; we must take the good the Gods provide us, and be thankful for it.

"But it is not after all, the state of the substantive Law, defective as that is, which is the main subject of just complaint; it is *the miserable system under which it is at present administered*; and the

still more frightful prospect which awaits this unhappy country, if the British Legislature will still turn a deaf ear to our necessities. It is to the awful results of this feeble and insufficient system of judicial administration, the utter inability of the Judges to control the proceedings before them; the unnecessary swelling of the records, the prolongation of trials, and the increased repetition of litigation, which arise from the want of power in the Bench, and are permitted to reign unchecked, that we have all along pointed; for which we emphatically demand a speedy and effectual remedy; certain that if it be not extended to us *now*, we may look in vain for it for the next five and twenty years, unless indeed in the mean time, the evil should have become so intolerable, as to rouse even the unenergetic listless Hindoo to such an extent, as to endanger the continuance of our rule in India."—pp. 127-8-9.

Then, as to the actual state and administration of civil law. In the Regulation Provinces there is nothing worthy of the name of law; but, to a system unworthy that sacred name, are appended cumbersome legal forms and a legal tax. To enter into the courts of what is called justice, it is not only necessary that you should have a plaint, but money to pay (not lawyers but) the government. So that to all the Company's subjects who cannot commence the search of justice by paying a tax to the government, the doors of the courts are closed; for them there is neither law nor justice. And having money, what, when admitted, do they find? Judges, as Mr. Campbell confesses, a scandal to the British name.

"When a Collector is old enough, he is made a Judge. It seems to be considered that if, at this time of life a man is fit for anything, he is fit for a Judge; and if he is fit for nothing, better make him a Judge and get rid of him. The judicial department being in a less satisfactory state than any other, is less sought after, and, the ill effects of mismanagement being less immediately startling, the principle that, in a choice of evils, any man will do for a Judge seems to have become established. Some who mismanage their districts are said to be promoted to be Judges against their will."

Judicial proceedings are rendered intricate by the multiplication of technical forms, by the rigid exaction of nice, obscure, puzzling, pedantic, and expensive rites and ceremonies; in short, intricacy and obscurity are intentionally created. The courts indeed profess to give every man the law of his own religion or country, or where the litigants are of different tribes, according to the custom of the country or the law of the defendant. But on this variegated basis a large and complicated legal system of constructions, undigested and unarranged, has been reared, and it is left to the administration of men not

educated as lawyers ; but laymen, who, grasping at the shadow lose the substance of justice ; who have no equitable jurisdiction to mitigate the harshness of legal forms ; who scarcely speak or understand the language of the country, and who, consequently, are quite unable to discriminate as to the value of testimony. The result is—petty suits, and the complaints of the poor and helpless repelled by expense ; opening for fraud, perjury and forgery ; a number of appeals such as no other country on the face of the world can furnish ; a complete revolution of the rights and institutions of the country ; and, adds Mr. Campbell, “a lamentable demoralization of the people.”

For fifteen years has the criminal law, as administered by the Company's courts, been condemned by Government itself. It is just as fit for the Christian people of this realm as for the Hindoo subjects of the Queen in India. Its foundations are Mahomedan ; and, though in the case of Hindoos the opinion of the Mahomedan assessor attached to the court, may be dispensed with, the effect is not to introduce a better system of law, but to place the criminal at the mercy of the judge's discretion without any law at all : the judge being, as a general rule, quite incompetent to exercise any discretion, and wholly innocent of a knowledge of any law, Christian, Mahomedan, or Hindoo.

VI. POLICE.

If there be little or no criminal law, there is, however, a POLICE. But it has, we quote the declaration of 1252 British and other Christian Inhabitants of Calcutta and Lower Bengal in their Petition to the House of Commons, “not only failed to effect the prevention of crime, the apprehension of offenders, and the protection of life and property ; but it has become the engine of oppression and a great cause of the corruption of the people.” In a population of forty millions scattered over an area larger than France, there are ten thousand police ; and of the practical bearing of the system on the condition of the people, the Petitioners give the following illustration :—

“That in case of the apprehension of an offender, and in order to prosecute him, it is necessary for the injured party and his witnesses to go before the magistrate, but this may be a journey of from fifteen or less, to fifty miles or more, in consequence of the extent of this district, and when arrived at the magistrate's office, he may be detained days or weeks from a variety of causes ; that in

fact a magistrate's compound in the Lower Provinces often presents the spectacle of hundreds of persons thus kept in detention for weeks ; and if the offence is of a grave character, or beyond the jurisdiction of a magistrate, he and his witnesses may be required to take a second journey of the same distance to the sessions, and be there detained days or weeks waiting for a trial. At the sessions also, hundreds of persons are constantly detained at great distances from their homes. That to avoid these inconveniences, the population render little or no aid to the police for the enforcement of the law, but on the contrary they are generally averse to do so, and hence has arisen a practice which is a great reproach to the police system, namely, that witnesses generally and prosecutors often are made prisoners, kept under arrest, and sent to the magistrate, and afterwards to the sessions in actual custody. That from this state of the law and police result the following among other evils ; persons robbed deny the fact of a robbery, or if they complain, the persons who could be witnesses deny all knowledge of it, the immediate interests of these classes being arrayed by reason of the state of the law and jurisdiction against the objects of law and justice. Often under these circumstances the native policeman to do his duty employs the means of terror, *and torture is believed to be extensively practised on persons under accusation*, and the injured party for not assisting him becomes an offender. All the evil passions are thus brought into play, and ingenuities of all kinds, both by people and police, are resorted to. Another result is the constant device of proving a true case by witnesses who knew nothing about the matter ; justice is supposed thus to be satisfied, but convenient perjury becomes familiar, and perjury loses its criminal character among the people. Thus, and in a thousand other ways, the law and police operate to corrupt the people and spread corruption ; moreover the very circumstances which repel the honest, attract those who have revenge to gratify, rivals to injure, enemies to destroy ; and for these and other dishonest purposes the police and criminal courts are resorted to, and police and law under the present system are terrible evils.

“That a further aggravation of evil results from some powers possessed by the native police, which practically are magisterial, such as the power of receiving confessions, and in all cases of taking (though not on oath) the deposition of witnesses, which powers are exercised by the serjeant (Jemadar) in the absence of his immediate superior (the Darogah), and thereby practically the course of criminal justice takes its direction from them, and thus the police control the magistrate's functions, instead of his superintending and controlling the police.”

In Madras (perhaps fortunately) no attempt has been made at a regular police ; but, though the extortions and cruelties suffered in Bengal from its police are unknown in Madras, great and serious crimes, particularly gang robberies, flourish in that Presidency. In

Bombay the police, much the same as in Madras, is reported by the authorities to be in a state of "comparative torpor;" and in consequence violent crimes are very prevalent. In one Presidency there is, we see, a police more oppressive to the people than the criminals; in the other two Presidencies there is so little police, that there is an excessive amount of the most heinous offences. Tried then by the tests of law, justice, and crime, the Legislation of 1833 has not resulted in "the improvement and happiness of the natives of India."

VII. EDUCATION.

Measure the system of 1833 by the wand of EDUCATION, short as we may choose to make it, and the result is worse still. So paltry an item of expenditure is Native Education, that it does not even constitute an item in the yearly Finance Accounts laid before Parliament. It is, therefore, impossible to say what per centage of a net revenue of twenty-one millions sterling, is spent on this means of promoting the improvement and happiness of the Natives. But this is well known, that, whereas in Hindoo times every village community had its school, our destruction of village societies or municipalities has deprived the Natives of their schools, such as they were, and has substituted nothing in their stead; except perhaps in the North Western Provinces. For the ten millions of people in the Bombay Presidency, there is a grant of £12,500 a-year for their education. In the town of Madras there is a Collegiate Institution languishing on £3000 a-year. This absorbs one half of the educational allowance for that Presidency, containing a population of twenty-two millions. The other half has never been laid out; and "there is not," say the people of Madras, in their Petition to Parliament, "a Government school over all the 140,000 square miles, comprising the Madras territories." In short, out of these 22 millions of people the Indian Government yearly educates 160! And when in Bengal the richer natives do send their sons to England for education, the young men, returning competent for, are refused Government employment on the same terms and on the same rank as Europeans. Within the last five years a Hindoo young gentleman carried off several medical prizes at University College, and received the diploma of M.D. The Court of Directors, and individual Directors were applied to by some of the most eminent of the retired public servants of India to give Dr. Chutterbutty a com-

mission as Surgeon in a Native Regiment, but the request was refused. And by gentlemen, too, who, it stands in evidence, have at home spent out of Indian Taxation during the last twenty years, the enormous sum of £53,000 in public banquets and more select house dinners. It is not by such educational expenditure, or by such treatment when native gentlemen do educate themselves, that "the improvement and happiness of the natives of India" can be promoted.

VIII. PUBLIC EMPLOYMENT OF THE NATIVES.

And the insufficiency of this Test of Education naturally brings us to another, viz. the EMPLOYMENT OF NATIVES. In our earlier Indian career, Natives were employed in the most important and confidential posts of our Government. Our regiments were officered by Natives; in many places we had Native agents and representatives; everywhere we were then obliged to make use of native talent. But in those days Indian patronage was not valuable, and Indian salaries were at least moderate. But, gradually this use of native ability was displaced, and every post of profit, of trust, of value transferred, at enormous addition to the cost of Government—to Englishmen; until at last it became part and parcel of our established policy. The legislation of 1833, however, attempted to remedy this monstrous injustice, by enacting that none should be excluded from any office by reason of religion, place of birth, descent, or colour. But so far from the enactment having remedied the wrong, "this provision," was according to Mr. Campbell, "a mere flourish of trumpets and of no practical effect whatever as far as the natives are concerned." Indeed, according to him, it has been prejudicial rather than advantageous to native employment; "for," he adds, "the only effect has been to open to Europeans offices originally intended for natives."

The division between the Covenanted and Uncovenanted services is still kept up; though the covenant itself is absurd and ridiculous, now that the East India Company has nothing to do with trade. And the purpose for which it is maintained is to draw an artificial line by means of which the Natives may continue, however educated, able, and competent, to be excluded from all high and lucrative employment. The Act of 1833 declares that religion, birth, and colour shall not exclude any man from any office. But the Government of India refuses to allow any native, Hindoo, Mahomedan, or Parsee, admission into

its covenanted service. Thus, it defeats by a rule of its own, the provision of the legislature of 1833, which particularly aimed at promoting "the improvement and happiness" of the natives of India, by employing them in the public service; and by their employment, reducing the cost of Government. Some few thousands—3000 or 4000 out of 150,000 millions—do indeed get small posts, worth on an average some £30 a year. But any real share in Government administration, trust, and responsibility, is denied the people of India. Yet, in Lord Grey's work on the *Colonial Administration of Lord John Russell's Government*,* he is found boasting, how, on the Gold Coast of Africa, the Governor summoned its chiefs into council; and how, out of "this rude Negro Parliament," England is there creating an African nation.

"I am persuaded I do not overrate the importance of the establishment of this rude Negro Parliament, when I say that I believe it has converted a number of barbarous tribes, possessing nothing that deserves the name of a Government, into a Nation, with a regularly organised authority and institutions, simple and unpretending, but suited to the actual state of society, and containing within themselves all that is necessary for their future development; so that they may meet the growing wants of an advancing civilisation."

But in India, a people "learned in all the arts of polished life, when we were yet in the woods,"† less favoured than the Fantees of Cape Coast Castle, are proscribed as a race of incompetent, helpless incapables, and condemned to everlasting inferiority in lands which their forefathers made famous.

IX. POPULAR CONTENTMENT.

Are then the people of India content with the working of the legislation of 1833? It would be strange if they were; and they are not. They do not rebel; they do not resist; they do not rise against the Indian Government; as do the Natives in

* Vol. ii. p. 258-6.

† "This multitude of men does not consist of an abject and barbarous populace; much less of gangs of savages like the Guaranies and the Chiquitos, who wander on the waste borders of the Amazon or the Plate; but a people for ages civilised; cultivated in all the arts of polished life when we were yet in the woods. There are to be found chiefs of tribes and nations—an ancient and venerable priesthood, the depositories of their laws, learning and history; a nobility of great antiquity and renown; a multitude of cities; merchants and bankers, individuals of whom once vied with the Bank of England, whose credit often supported a tottering state; millions of ingenious manufacturers and mechanics; millions of the most diligent, and not least intelligent tillers of the earth."—*Burke on Fox's India Bill.*

adjoining States still governed by their own Princes. For, under British rule the power of the Government is too strong and well organised for a successful resort to these violent modes of manifesting public opinion. But now that the opportunity has arisen — now that there is a chance of improvement, they petition Parliament. And what say their petitions? That they are happy and prosperous? That they are satisfied with the results of the Act of 1833? That they regard its renewal with contentment and hope? Nothing of the sort. The very reverse. Listen to the language that comes from Madras :—

“That the grievances of your Petitioners arise principally from the excessive taxation, and the vexations which accompany its collection; and the insufficiency, delay, and expense of the Company's courts of law; and their chief wants are, the construction of roads, bridges, and works for the supply of irrigation; and a better provision for the education of the people. They also desire a reduction of the public expenditure, and a form of local government more generally conducive to the happiness of the subject and the prosperity of the country; and to these main points your Petitioners beg the consideration of your honourable House, respectfully applying in behalf of themselves and their countrymen for those remedies and reforms which, in the wisdom of your honourable House, may be deemed expedient and practicable.”

The people of Madras complain that the whole framework of society has been overthrown to their injury, and almost to their ruin.

“That notwithstanding this decided testimony to the superiority of the village system as regards the prosperity both of the revenue and the cultivator, the Court of Directors ordered the village system to be superseded by the Ryotwar, as before stated by your Petitioners; and, with a professed view to remedy the evils attending it, issued orders which declared that the labour of the Ryot should be henceforward free from compulsion; that private property in lands on this side of the Peninsula should be acknowledged, and that the over-assessment should be reduced; but, however well intentioned those orders may have been, Ryotwar is still the curse of the country, the over-assessment continues unaltered, the Ryots are compelled to cultivate at the pleasure of the Tehsildar, and the acknowledged right of private property in no way prevents the oppression of the owner, nor his gradual and sure pauperization. That while your Petitioners apply to your honourable House for a return of their old revenue system on the broad ground of justice to the cultivators, they beg to point out a few particulars in which the change will be advantageous to the Government :—1. It will be relieved from the loss and corruption entailed by the Ryotwar system; 2. It is secured from all loss arising from unequal land tax; 3. The rent will not depend upon

the correct assessment of the cultivation ; and, 4. The charge of collection will be considerably decreased ; yet even were there no immediate advantage likely to accrue to the Government, your Petitioners would represent that a lighter and more reasonable assessment, coupled with the removal of the vexations and oppressions accompanying the present mode of collection, would ensure a much larger cultivation and thereby the revenues of the State would be improved ; and that the people of India are therefore entitled to seek and to obtain from the paramount authority of the Imperial Parliament the necessary and equitable redress of the weighty and multiform grievances brought upon them by the introduction of the system under which they groan ; and their claims to the mode of redress they have pointed out are rendered still stronger by the fact, that a settlement by villages nearly resembling that which your Petitioners seek for themselves is actually now in full operation in the north-western provinces under the Bengal Presidency, where the leases are held on a term of thirty years duration."

They complain that salt, the only condiment for their tasteless rice, and without which neither they nor their cattle can live, is a Government monopoly.

They complain that not only are they taxed for their shops in towns, and for stalls and sheds on road-sides ; but for each tool and implement, of their trades ; nay, for their very knives, "*the cost of which,*" they tell Parliament, "*is frequently exceeded six times over by the Moturpha [Tax] under which the use of them is permitted.*"

They complain that in order to raise revenue from ardent spirits, the Government is forcing drunkenness on them ; "a vice," they add, "forbidden by Hindoo and Mahomedan law."

They complain, that spread over 140,000 square miles in the Madras Presidency are only 130 post-offices ; that throughout that extent of country there are scarcely 3000 miles of roads practicable for bullock carts ; that these roads are mostly without bridges, impracticable in wet weather, and tedious and dangerous in the dry season. They complain of the state of the Law, of the Police, and of almost every department of administration which can contribute to good government ; and they earnestly entreat to be heard personally, on their complaints, before Parliament.

So, also, the Bombay Petitioners. They express their belief 'that it will be found easy by your honourable House to devise a constitution for India which, while it shall contain all the good elements of the existing system, shall be less cumbersome, less exclusive, less secret, more directly responsible, and infinitely more efficient and more acceptable to the governed.'

They object to the cost of the present system :—

“Your Petitioners submit that the cost of administration in India is unnecessarily great, and considerable reductions might be made, without the slightest detriment or injury to any one save the patrons or expectants of office, by abolishing sinecure offices, and retrenching the exorbitant salaries of many highly-paid officers, whose duties are so trifling, or involve comparatively so little labour or responsibility, that they might with advantage be amalgamated with other offices, or remunerated in a manner commensurate with the nature of the duties to be performed.”

They claim a greater share of employment for the people of India in the conduct of their own affairs :

“Your Petitioners respectfully submit that the time has arrived when the natives of India are entitled to a much larger share than they have hitherto had in the administration of the affairs of their country, and that the councils of the local governments should, in matters of general policy and legislation be opened, so as to admit of respectable and intelligent natives taking a part in the discussion of matters of general interest to the country, as suggested by Lords Ellenborough, Elphinstone, and others.”

Equally strong and decisive is the Bengal Petition :—

“It might appear paradoxical to deny its prosperity in the face of the vast increase which has taken place in the foreign commerce ; but it is undeniable that, contemporaneously with this increase, crimes of a violent character have increased, and law and police are also regarded as affording little security either for rights of persons or property. Hence the limited application of British capital to agriculture and mines, and the limited employment of British skill in India (the former being confined to a few valuable articles, such as indigo, for the cultivation of which the soil and climate are so superior as to afford the profits almost of a monopoly, silk, and a few others), and hence also small capitals can rarely be employed in India. The planter or capitalist in the interior never or rarely leaves his capital when he himself quits the country in consequence of its insecurity, and from this cause results the high rate of interest of money. Landholders pay twenty-five and thirty per cent., and the ryot or cultivator is in a worse relation than of servitude to the money-lender. Your Petitioners therefore think that inquiry ought to be instituted by Parliament into the state of the country, in order to provide some probable remedy for the evils adverted to.”

If contentment, therefore, be a test of good government, the Act of 1833 has signally failed.

X. HOME CONTROL.

Another test yet remains. The Act of 1833 was proposed as a substitute for a Constitution. If we cannot, it was then argued by

Mr. Macaulay, on behalf of Lord Grey's Government, safely entrust the people of India with popular rights and privileges, we will at least have a constituency at home bound by their own interests to watch over and protect them ; a constituency which, to use his exact words, "*shall feel any disorder in the finances of India in the disorder of their own household affairs.*" Has this anticipation been realized—has this intention been fulfilled? No ; disorders there have been for fifteen years in the finances of India ; but those disorders have not been felt in the "household affairs" of the proprietors of East India stock. Despite Indian deficits, English dividends of ten and a half per cent have been regularly maintained, and "well and truly paid." And thus India has lost that English security for good government which Mr. Macaulay announced it was a design of the Act of 1833 to establish.

But it is unnecessary, in this general summary, to pursue the enquiry further. Enough has been sketched, though in outline only, to make rational, benevolent, and patriotic men hesitate when asked to consent to a renewal of the Act of 1833 ; enough has been stated to make them doubt whether the present system of government is even capable of improvement ; enough, we believe, to convince all impartial men that a new plan of Indian administration must be cast.

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